

Appln No. 10/790,488
Response to OA dated 08/09/2007
Filed November 9, 2007

REMARKS/ARGUMENTS

Claims 1 – 38, 45 - 48 are pending. Claim 6 has been rewritten in independent form. Claims 39-44 have been cancelled. This renders any rejection of these claims moot.

I. Claims 1-5, 7-34 and 36-48 are rejected under 35 USC 112, first paragraph, for not being enabling for other than the treatment of breast cancer.

Applicants respectfully traverse this rejection.

Applicants note that the specification describes the combination of a 42-O-rapamycin (CCI-779) with an aromatase inhibitor for treatment of breast cancer. Thus, the specification provides data demonstrating the utility of the claimed combination therapy.

Reconsideration and withdrawal of this rejection is requested.

II. Claims 1-41 and 45 – 48 have been rejected under 35 USC 102(e) as being anticipated by Dukart et al, US Published Patent Application 2003/0008923 A1.

Applicants respectfully traverse this rejection.

The cited application requires a combination of an antineoplastic alkylating agent with the mTOR inhibitor. It is only in addition to that combination that a further component may be added. In the claimed invention of this application, no antineoplastic alkylating agent is required.

Reconsideration and withdrawal of this rejection is requested.

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The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or during the pendency of this application to Deposit Account Number 08-3040.

Respectfully submitted,
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